

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Marc Howard Spinoza

Serial No.: 09/506,361

Filed: February 18, 2000

For: A METHOD OF SECURING A LINE TO  
A PATIENT, FASTENERS, AND THEIR  
USE TO SECURE A LINE TO A  
PATIENT

Confirmation No.: 8242

Group Art Unit: 3763

Examiner: VU, Quynh-Nhu Hoang

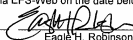
Atty. Dkt. No.: FIFW:019US

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF ELECTRONIC TRANSMISSION  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being  
electronically filed with the United States Patent and  
Trademark Office via EFS-Web on the date below:

January 7, 2010  
Date

  
Eagle H. Robinson

**STATEMENT OF SUBSTANCE OF INTERVIEW ON DECEMBER 7, 2009**

Applicant submits this paper to memorialize the substance of the Examiner interview at 11:00 a.m. on December 7, 2009, between Applicant's attorney, Eagle H. Robinson, Examiner Quynh-Nhu Vu, and Examiner Nicholas D. Lucchesi, at the USPTO.

It is believed that no fees under 37 C.F.R. §§ 1.16 to 1.21 are occasioned by the filing of this paper; however, should the Commissioner determine otherwise, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/FIFW:019US.

**Applicant's Statement of Substance of Interview** begins on page 2.

### **Applicant's Statement of Substance of Interview**

Applicant again thanks Examiners Vu and Lucchesi for the courtesy of the in-person interview on December 7, 2009. No exhibits were discussed.

#### ***Sobin (U.S. 4,509,877) and Plass (U.S. 5,232,453)***

Applicant's attorney argued that each of independent claims 81, 95, and 101 (and claims depending therefrom) are patentable over Sobin in view of Plass at least because Sobin is for distributing bending strain at a point of connection (Sobin's clamp 5) along the length of a cable, and not configured to exert a compressive gripping force evenly distributed along a length of a tube as recited in the pending independent claims. Applicants attorney further argued that because of Sobin's explicit teaching of an uneven braid it could not be stretched to exert an evenly distributed compressive gripping force, and any modification to do so would be improper because it would render Sobin unsuitable for its intended purpose and change Sobin's principle of operation because it would require elimination of the unevenness in Sobin's braid that distributes stress along the length of the cable. Examiners Vu and Lucchesi agreed that the combination of Sobin and Plass is insufficient to maintain the rejection of these claims.

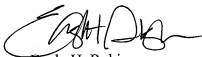
#### ***Lewis (U.S. 3,122,806), Bowen (U.S. 5,147,322), and Delk (U.S. 5,292,312)***

Applicant's attorney argued that each of independent claims 81, 95, and 101 (and claims depending therefrom) are patentable over Lewis in view of Bowen or Delk at least because Lewis is a gripping device for gripping cables such as oil field drilling lines, and there is no or insufficient reason to modify Lewis to comprise a *sterile* tubular sleeve and attachment means configured to be coupled to a *patient*, or to modify Lewis to include the ring recited in claims 95 and 101. Examiners Vu and Lucchesi agreed that there was no or insufficient reason to modify Lewis's device to include a *sterile* tubular sleeve or attachment means configured to couple the sleeve to a *patient*, as recited in the pending claims. The possibility of amending the claims was discussed to emphasize that the sleeve of the claimed medical or surgical fastener is sterile and configured to secure a tube to the patient.

### Conclusion

Should additional information be required, the Examiner is invited to contact the undersigned.

Respectfully submitted,



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Date: January 7, 2010